

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KMART CORPORATION	:	CIVIL ACTION
	:	
v.	:	
	:	No. 13-345
GATOR FEASTERVILLE PARTNERS, et al.	:	

**ORDER**

AND NOW, this 20<sup>th</sup> day of September, 2013, “Defendants’ Motion to Dismiss Plaintiff’s Complaint” (doc. no. 3) is granted. Plaintiff’s complaint is dismissed without prejudice. By Wednesday, October 9, 2013, plaintiff may file an amended complaint. If plaintiff does not do so by that date, this action, without more, will be dismissed with prejudice. A memorandum accompanies this order.

BY THE COURT:

/s/ Edmund V. Ludwig  
Edmund V. Ludwig, J.